

REMARKS

The Section 103 Rejections

Claims 3-5, 19 and 30-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fumarolo et al., U.S. Patent No. 6,204,844 ("Fumarolo") in view of Bork et al., U.S. Patent No. 6,246,376 ("Bork"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants note that the Office Action follows the filing of an Request for Continued Examination ("RCE") by the Applicants. Along with the RCE Applicants filed an Amendment in which they pointed out that Bork does not disclose or suggest: (a) the detection of a plurality of Bluetooth signals, where each signal contains GPS coordinates of at least one nearby device; and (b) the selection of one of the nearby devices associated with one of the detected signals (to communicate with) based on the received GPS coordinates.

Applicants pointed out that instead, Bork was concerned with locating a specific, target device, not the selection of a device from a plurality of devices. In particular, Bork discloses locating a target device based on identification information (ID).

In the most recent Office Action, presumably to overcome the deficiencies of Bork, the Examiner has now cited Fumarolo. However, Fumarolo does not disclose or suggest the selection of a nearby device associated with one of many detected signals based on received GPS coordinates. As far as Applicants can tell, there is no selection of a specific nearby device based on GPS coordinates at all by Fumarolo. Instead, Fumarolo discloses the grouping or regrouping of so-called "talk groups".

In addition, it appears to Applicants that the combination of Fumarolo and Bork is improper because either one or both of these references would have to change their principle of operation in order to be so combined. More to the point, the references would seem to contradict one another. That is, Bork does not have any need, or use, for Fumarolo's grouped or regrouped "talk groups" because Bork is singularly concerned with a target device. Likewise,

the grouping or regrouping done by Fumarolo does not focus on a single target device. Accordingly, Applicants respectfully submit that the combination of Fumarolo and Bork as proposed by the Examiner is improper (see MPEP 2143.01).

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 3-5, 19 and 30-37.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

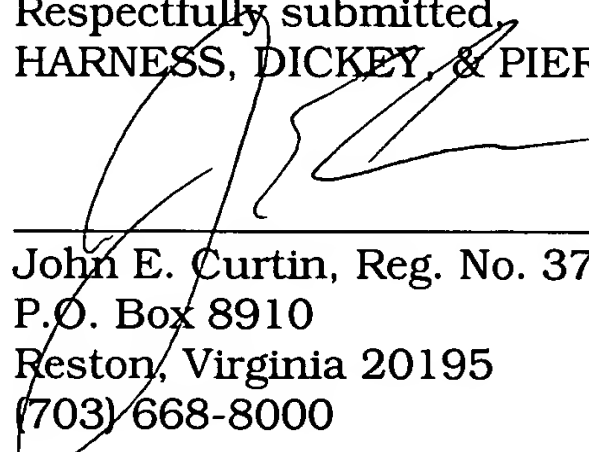
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

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